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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,612	04/05/2001	Gordon A. Forsyth	8963.00	4042

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EXAMINER
FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
3696	

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11/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/826,612	FORSYTH, GORDON A.
	Examiner	Art Unit	
	DANIEL S. FELTEN	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 July 2008</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,8 and 21-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2, 8 and 21-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Receipt of the applicant's request for reconsideration July 15, 2008 is acknowledged.

Response to Arguments

2.   Applicant's arguments filed July 15, 2008 have been fully considered but they are not

persuasive. It seems that the applicant is making a reference-by-reference attack on the

combination of references. The applicant is respectfully reminded that references, in determining

obviousness are not read in isolation but for what they fairly teach in combination with the prior

art as a whole. Thus patent assignee's reference by reference attack on prior art to demonstrate

non-obviousness is not persuasive. In this case Barcelou discloses an automated retail terminal

in which a plurality of goods and/or services are provided in an integrated system (40). The

integrated system (40) generally avoids duplicating hardware or functions in the course of

delivering the goods or services offered, so for example in a combination ATM and Internet

kiosk the same credit card or smart card reader (48) is used for both the ATM and the Internet

kiosk functions, the same control screen (42, 44) activates the ATM functions and the Internet

functions, and etc. Flenley discloses A memory controller component (10, 30, 40) for an Internet

application such as a bank, airline or supermarket web site is disclosed. The component is

instantiated from a web page (Page.sub.-- 1.htm..Page.sub.-- 3.htm) in the application and

exposes a number of methods. A connect method checks if a pre-determined area of named

shared memory has been allocated, and responsive to the named shared memory not being

allocated, allocates named shared memory. A setVariable method allocates an area in the shared

memory for a variable and stores the variable. A getVariable method locates the variable in

shared memory. Corresponding get and set encrypted variable methods are also disclosed.

Furthermore, an ATM running an Internet browser enabling a user to swap between web sites at

an ATM is disclosed. It was discussed how Barcelou discloses the use of the Internet and a touch

screen which provides for a wide variety of goods and services to be viewed (see col. 4, lines

50+), but fails to disclose a browser for enabling a user to browse sites on the network to select

an item for purchasing from a merchant and that   Flenley discloses an ATM (fig. 2) that uses a

browser (80) (see col. 5, lines 23-28). It is maintained that it would have been obvious for one

of ordinary skill in the art artisan at the time of the invention modify Barcelou with the Internet

browser of Flenley because an artisan at the time of the invention would have sought to use the

notoriously old and well known Internet browser as an alternative to Barcelou's touchscreen to

provide viewing and selection of various goods and services. Thus these rejections are being

maintained below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 2, 8 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barcelou in view of Flenley.

a self-service terminal for connection to a network (40), the terminal comprising:

--means for receiving payment from a user (52--cash acceptor) (see fig. 4, col. 4, lines

50-65), *as in claims 1,*

--an electronic payment mechanism for creating an electronic financial instrument for

paying for an item purchased via the network, wherein the electronic financial instrument is

independent of the payment from the user (see fig. 5, col. 4, lines 66 to col. 5, line 12), *as in*

claims 1

--comprising means for recording each electronic financial instrument created and

transmitting a copy to a database for reconciling with transactions processed at that

terminal,(see

col. 4, 11.31-33), as in claim 6, 16 and l7

--comprising a printer for printing out a receipt to confirm that the electronic financial

instrument has been created and sent, (see "printer" (57), col. 5, 11.8-9), *as in claims 7 and 18,*

--receiving from a user an indication of an item for purchase using the terminal see fig. 5, col.

4, lines 66 to col. 5, line 12);

--receiving from the user a first form of payment for purchasing the item (see fig. 4, col.

4, lines 50-65); and

Barcelou discloses the use of the Internet and a touch screen which provides for a wide

variety of goods and services to be viewed (see col. 4, lines 50+), but fails to disclose a browser

for enabling a user to browse sites on the network to select an item for purchasing from a

merchant, *As in claims 2, 8, 13 and 19.*

Flenley discloses an ATM (fig. 2) that uses a browser (80) (see col. 5, lines 23-28). It

would have been obvious for one of ordinary skill in the art artisan at the time of the invention

modify Barcelou with the Internet browser of Flenley because an artisan at the time of the

invention would have sought to use the notoriously old and well known Internet browser as an

alternative to Barcelou's touchscreen to provide viewing and selection of various goods and

services.

A method of purchasing items using an Automated Teller Machine, ATM comprising:

--Providing a web browser to a user of the ATM for browsing web pages of merchants;

--receiving payment via a first credit card from the user for a purchase from a selected

merchant; and

--using credit card account assigned to the ATM, transmitting payment to the selected

merchant.

--using the account to make payment to the selected merchant

--without identifying the user to the merchant, and

--without disclosing an account number of the user to the merchant (see fig. 5, col. 4,

lines 66 to col. 5, line 12)

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

       A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742.

The examiner can normally be reached on Flex.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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